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FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 2008 AUG 11 AM 10:18

UNITED STATES OF AMERICA,

Plaintiff,

v.

HERNANDEZ-Molina, Miguel

Defendant.

CLERK U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 2372

BY *[Signature]*

Magistrate Case No. 08 MJ 2372

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
 1324(a)(1)(A)(iv)-Inducing and
 Encouraging Illegal Alien(s)
 To Enter the United States

Title 8, U.S.C., Section
 1324(a)(2)(B)(iii)-
 Bringing in Illegal Alien(s)
 Without Presentation

The undersigned complainant being duly sworn states:

COUNT 1

On or about 07/31/08, within the Southern District of California, defendant **Miguel HERNANDEZ-Molina**, did encourage and induce an alien(s), namely **Fernando HERNANDEZ-Solano** and **Jose Juan ORTIZ-Sanchez** with the intent to violate the immigration laws of the United States, to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry and residence in the United States is and will be in violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

COUNT 2

On or about 06/18/08, within the Southern District of California, defendant **Miguel HERNANDEZ-Molina**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Jesus MORALES-Llanos**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien(s), and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[Signature]
 SIGNATURE OF COMPLAINANT
 Claudia Rios U.S. Customs and Border
 Protection, Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF August 2008.

[Signature]
 UNITED STATES MAGISTRATE JUDGE

7/31/08

PROBABLE CAUSE STATEMENT

The complainant states that **Fernando HERNANDEZ-Solano and Jose Juan ORTIZ-Sanchez** are a citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On 07/31/08 at approximately 1:11 PM, **Miguel HERNANDEZ-Molina**, the Defendant, made application for admission to the United States from Mexico at the Otay Mesa Port of Entry via vehicle primary. Defendant was the driver of a 1995 Ford Aerostar. Also in the vehicle were two male passengers. Defendant presented a border crossing card (form DSP-150) not lawfully issued to him as his entry document. One of the male passengers presented a permanent resident card (form I-551); the other passenger presented a United States passport. Neither were the legal owners of the documents they presented. The primary Customs and Border Protection (CBP) officer noticed none of the occupants resembled the photo on the documents they presented. All occupants were escorted to secondary for further inspection.

During the secondary inspection, Defendant and passengers admitted their true names and to being citizens of Mexico with no legal entitlements to enter the United States.

Fernando HERNANDEZ-Solano and Jose Juan ORTIZ-Sanchez (now referred to as material witness #1 and #2 respectively) made the following statements during a videotaped interview. Both material witnesses admitted being citizens of Mexico with no legal documents to enter into the United States. Material Witnesses identified Defendant as the person with whom they made their smuggling arrangements. MW #1 stated he was to pay an unknown amount upon arrival in the United States. MW #1 was returning to his home in San Diego. MW #2 stated he was going to Los Angeles to work and was going to pay \$2,000 upon arrival in the United States.

On 06/18/08 at approximately 5:10 PM, Miguel HERNANDEZ-Molina, Defendant, made application for admission to the United States from Mexico at the San Ysidro Port of Entry via vehicle primary. Defendant was the driver of a Honda Accord. Defendant presented a border crossing card (form DSP-150) not legally issued to him. The primary CBP officer suspected the document to be counterfeit. Upon cursory inspection of the vehicle, one male was found concealed in the trunk. During secondary inspection, the male identified himself as a citizen of Mexico with no legal documents to enter the United States.